

defendants first proposed regulation of products containing triclosan and triclocarban. This delay is unreasonable as a matter of law. *See* APA, 5 U.S.C. § 706(1).

In support of this motion, plaintiff submits the accompanying (1) memorandum in support of plaintiff's motion for summary judgment; (2) statement of material facts as to which there is no genuine dispute; (3) Declaration of Sarah Janssen, M.D., Ph.D., M.P.H., and attached exhibit; (4) declaration of Linda Lopez; (5) Declaration of Diana Owens; (6) Declaration of Megan Schwarzman, M.D., M.P.H.; (7) Declaration of Vivian H.W. Wang, and attached exhibits; and (8) proposed order.

Respectfully submitted,

/s/ Vivian H.W. Wang
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Counsel for Plaintiff

Dated: September 24, 2010

TABLE OF DECLARATIONS AND EXHIBITS

DECLARATIONS

Sarah Janssen, M.D., Ph.D., M.P.H.

Linda Lopez

Diana Owens

Megan Schwarzman, M.D., M.P.H.

Vivian H.W. Wang

EXHIBITS

- 1) Curriculum Vitae, Sarah Janssen, M.D., Ph.D., M.P.H.
- 2) FDA, Over-the-Counter Antibacterial Ingredients in Drug Products for Repeated Daily Human Use, 37 Fed. Reg. 235 (Jan. 7, 1972)
- 3) FDA, Proposal to Establish a Monograph for OTC Topical Antimicrobial Products, 39 Fed. Reg. 33103 (Sept. 13, 1974)
- 4) FDA, OTC Topical Antimicrobial Products: Tentative Final Order, 43 Fed. Reg. 1210 (Jan. 6, 1978)
- 5) FDA, Tentative Final Monograph for Health-Care Antiseptic Drug Products, 59 Fed. Reg. 31402 (June 17, 1994)
- 6) FDA, Health-Care Antiseptic Drug Products: Reopening of the Administrative Record, 68 Fed. Reg. 32003 (May 29, 2003)
- 7) FDA, Consumer Updates, "Triclosan: What Consumers Should Know" (April 8, 2010)
- 8) Letter from Sarah Janssen, Staff Scientist, NRDC, to Dr. Jesse Goodman, Chief Medical Officer, FDA (Sept. 30, 2009)
- 9) Letter from Jesse L. Goodman, Chief Scientist, FDA, to Jennifer Sass, Senior Scientist, NRDC (May 28, 2010)
- 10) Letter from Edward J. Markey, Chairman, House Subcommittee on Energy and Environment, to Margaret Hamburg, Commissioner, FDA (Jan. 5, 2010)
- 11) Letter from Jeanne Ireland, Assistant Commissioner for Legislation, FDA, to Edward J. Markey, Chairman, House Subcommittee on Energy and Environment (Feb. 23, 2010)

CERTIFICATE OF SERVICE

I certify that on September 24, 2010, I caused a copy of the foregoing Plaintiff's Motion for Summary Judgment and all associated documents cited therein to be filed using the Court's ECF system, which will serve the documents electronically on all counsel of record.

/s/ Vivian H.W. Wang
Vivian H.W. Wang
Counsel for Plaintiff